

A. MILTON MUSSEY, UTAH  
SALT LAKE CITY



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# CONSTITUTION

OF THE

# STATE OF DESERET

AND

## Memorial to Congress.

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ADOPTED IN CONVENTION, MARCH 2, 1872;

RATIFIED BY VOTE OF THE PEOPLE, MARCH 18, 1872.

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SALT LAKE CITY:

1872.

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## MEMORIAL.

*To the Honorable the Senate and House of Representatives  
of the United States, in Congress assembled:*

**GENTLEMEN:** Your memorialists, the citizens of the United States in the Territory of Utah, by their delegates in Convention now assembled, respectfully present this their memorial, humbly praying for admission into the Federal Union as a free and sovereign State, under the name and style of the State of Deseret, with the Constitution herewith presented.

The history of the privations and struggles and achievements of the pioneers of Utah is a part of the history of the country, and need not be recapitulated here; but some of the disadvantages of the territorial form of government under which your memorialists have lived for the last 22 years are earnestly submitted to your consideration.

Under this form every important civil action is liable to be appealed to the U. S. Supreme Court, where its final decision may be delayed for years; and every act of the legislature which escapes the absolute veto of the Governor is subject to the supervisory legislation of Congress.

It has been decided that the Legislative Assembly of the Territory of Utah has no power to create or organize courts of original jurisdiction, and the courts provided by Congress under the territorial system are insufficient to transact the business of the Territory. Persons accused of crime are denied bail and refused trial, while cases rapidly accumulate upon the civil calendar, and litigants are thereby practically denied justice.

It is the system of government, rather than those who administer the system, which should be censured for this state of affairs.

A territorial or colonial system, under which a government is provided by a remote power and without the consent of the governed, is inherently oppressive and anti-republican. The theory of government which provides executive and judicial officers having no responsibility to the people they are called to rule and to whom their acts are known, but to a distant and imperfectly informed authority, is admittedly a false one. The officer assigned to a Territory, bearing no introduction save his commission from the general Government, finds no interest in common with the people to whom he presents himself. His past life may be, and usually is, a sealed book to each member of the community, toward whom he is, by virtue of his commission, authorized to assume the most delicate and important relations. With no confidence inspired by long acquaintance, the stranger becomes the arbiter of the destinies of a community. As governor or judge, he holds the lives and property of a people united to him by no ties of kindred or neighborhood, in his hands. Even if selected from among the people, he still looks to the parent government for his compensation, and relies for his tenure of office upon influences far removed from the scene of his labor, rather than upon his own conduct; he is thus naturally led to give small consideration to the wishes or necessities of those who are the sole sufferers under his follies and mistakes.

It is plain that a system which practically denies to the citizen the privilege of enacting and administering those domestic laws which are necessary for the safety and

progress of the community; which deprives him alike of representation at Washington and local sovereignty; which fails to furnish him with adequate judicial facilities, and subjects him to tedious and expensive delays in the final arbitrament of his rights, is a system most antagonistic to the spirit of representative republican government, and most injurious to the interests of progress.

From this state of things there is no redress, except in the manner now proposed. The remedy for the evils suggested is found solely in a republican form of government—a government created by the people governed, and to a part in which every citizen is eligible.

Utah has outgrown those conditions under which a territorial form of government was equal to her necessities, and has reached a period of corporate existence when a State organization is essential for the accommodation of her business interests. These interests are numerous, and rapidly expanding. Within the borders of the Territory lie vast deposits of inexhaustible mineral wealth, which are destined soon to equal in extent and richness of development those of any neighboring State or Territory.

The coal fields of the Wasatch range already give promise of rivalling many of the coal regions of the older States. Rich veins and lodes of silver have attracted hither capitalists of Europe, and already many leading silver mines of Utah are known and favorably quoted in the stock boards of London and other European marts. The smelters of galena from New York, Boston, Chicago, San Francisco, and other cities of the Union, are looking to Utah as the source of a large part of their future supplies.

Iron ores of the finest quality exist in such vast masses in the southern portion of this Territory as to rise to the dignity of iron mountains, and it is no mere fancy to assert that these ores will, in a few years, furnish the materials for all furnaces, mills, and other establishments in the new State requiring this metal, and will warrant the erection, at an early day, of rolling mills for the production of railroad iron.

The number of men now either actually engaged or interested in mines and mining within the borders of Utah exceeds 20,000; the amount of foreign capital invested in her silver mines has been fairly estimated at over \$15,000,000; and the number of tons of high grade ore and crude bullion shipped by rail from the Territory during the year 1871, a large part of which entered into our national exports, has reached 9,000 tons.

The full and free development of all these interests demands a State government.

While in California, Colorado, Nevada, and Montana, mining preceded agriculture, in Utah the cultivation of the soil was the first pursuit which occupied the attention of citizens. From the extreme northern boundary of the Territory to the river Colorado in the south, a distance but little short of five hundred miles, numerous settlements have been formed, and a system of agriculture has been adopted which is admirably suited to the nature of the climate and soil. Throughout this extensive region, the water, by means of costly canals and ditches, has been conducted from the mountains and spread over the land, and bleak, barren deserts have been converted into fruitful fields, and the solitude of the wilderness has been made musical with the hum of thrifty industry. Utah, in agricultural and manufacturing wealth, compares favorably with many of the older settled portions of the continent.

Your memorialists respectfully suggest that Utah, having thus shown her capacity to sustain a large population from her agricultural and manufacturing resources, possesses every requisite, now that her mineral wealth is found to be of almost unexampled richness, to make her future prosperous and great. With well-developed agri-

cultural, manufacturing, mining, and commercial interests receiving the attention of her citizens, with her internal improvements of railroads, telegraph lines, canals, &c., the advantages of the great continental highway, closely connecting her with her sisters on the east and west, she may expect, if permitted to assume the robes of statehood, to enter upon a career of prosperity unsurpassed by any of the younger States.

The population of Utah exceeds, to a considerable extent, that of several other Territories which have been by your honorable bodies admitted to statehood.

The increasing mineral resources, the development of which has been seriously retarded by conflicting interests constantly arising under our present system; the rapidly increasing agricultural, railroad, commercial, and mechanical interests, together with the satisfactory condition of financial affairs throughout the Territory—showing as they do in every department an entire freedom from debt: the peaceful relations which the inhabitants have and still maintain with the surrounding Indian tribes; the home and foreign capital which is being daily invested in our rich though comparatively undeveloped mines, all seem to point to one great end—the need of a permanent State government.

By the establishment of such a government our permanent prosperity will be made certain; stability will be impressed on all our public institutions: capital, now withheld because of possible changes, will flow into the country a rich and plenteous stream, imparting life and activity into every branch of trade and every department of useful industry. Our agricultural, manufacturing, mineral, commercial, and railroad interests will be strengthened and enlarged; enterprising sojourners will become permanent residents; elements of disorder, now bold and defiant through encouragement from collisions between opposing judicial departments, will subside before the power of justice, one and undivided; peace and harmony will take the place of discord and confusion; education, hitherto unaided by State patronage, will extend its influence to every family, and the people of these mountain valleys, no longer harassed and perplexed by the errors of officials who are unacquainted with their wants, freed from all doubts as to the good will of the parent government, and brought by the Federal compact into perfect accord with the rest of the Republic, will move forward in the grand march of national progress, as loyal, true, free, and liberal a commonwealth as any among the glorious sisterhood.

The policy of Congress has always been to accord a State government to a Territory so soon as the community asking such privilege gave evidence of its ability to sustain the burden of self-government. If in any instance a mistake has been made in the admission of a State where subsequent growth has failed to justify the expectations of the country, we submit that the results of such mistakes should not be charged to Utah, which to-day exhibits, not in expectation, but in possession, the requisite population and resources to entitle her to enter the American Union.

The constitution of the proposed State, which is presented herewith, looks to the development of those improvements in political science which elsewhere excite public attention; for it will be observed that it provides for minority representation, impartial suffrage, and equal public educational facilities, without distinction of race, color, religion, or citizenship.

If it be deemed essential to the welfare of the people of the proposed State that other guarantees should be obtained than those contained in this constitution, an opportunity is afforded in the ordinance to propose such conditions as honorable men may accept.

We submit, in conclusion, that the interests of the people inhabiting the Territory of Utah, as well as those of the nation, will be advanced by the speedy admission of the proposed State, and to that end your memorialists invoke your early and favorable action.

E. M. BARNUM,  
*President of the Convention.*

R. L. CAMPBELL,  
*Secretary.*

SALT LAKE CITY. *March 2, 1872.*

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NAMES OF THE DELEGATES TO THE CONVENTION.

Beaver county—E. H. Blackburn, John R. Murdock, Daniel Tyler.

Box Elder county—George A. Bruce, M. W. Dalton, E. P. Johnson, Chester Loveland, Lorenzo Snow, Jonathan C. Wright.

Cache county—William Hyde, Lorenzo H. Hatch, Milton D. Hammond, O. N. Liljenquist, William F. Littlewood, W. H. Manghan, M. W. Merrill, W. B. Preston, Moses Thatcher.

Rich county—Charles C. Rich.

Sanpete county—George Taylor, David Candland, Rees R. Lewellyn, Abner Lowry, Christian A. Madsen, George Peacock, Warren S. Snow, H. W. Sanderson.

Millard county—Thos. Callister, Culbert King, Platte D. Lyman, Dan'l Thompson.

Morgan county—Jesse Haven, Lyman W. Porter.

Pinte and Sevier counties—H. A. Halcombe, Wm. Morrison, Peter Rasmussen.

Iron county—Seth M. Blair, Edward Dalton, Siias S. Smith, Jesse N. Smith.

Jnab county—Jno. Hague, Geo. Kendall, A. G. Sutherland.

Kane county—A. M. Harmon, Jno. Nebeker.

Davis county—Jno. R. Barnes, Anson Call, Nathan T. Porter, Thos. F. Rauche, Lot Smith, Thos. S. Smith, John Telford.

Washington county—Solon Foster, Israel Ivins, Wm. Snow, J. W. Young.

Weber county—Gilbert Belknap, G. S. Erb, Lorin Farr, F. A. Hammond, L. J. Herrick, C. W. Penrose, F. D. Richards, H. Eudey.

Utah county—Wm. Bringhurst, Jno. Brown, David Evans, L. E. Harrington, Jno. B. Milner, Wm. B. Pace, Wm. Price, A. O. Smoot, Orrawell Simons, A. K. Thurber.

Wasatch county—H. S. Alexander, Abram Hatch, N. C. Murdock, John W. De Witt.

Summit county—Sam'l F. Atwood, W. W. Cluff, Geo. G. Snyder.

Tooele county—Geo. Bryan, Geo. Burridge, Jno. Franks, Edward Hunter, Jno. Rowberry, Rich'd Warburton.

Salt Lake county—T. P. Akers, D. E. Buel, E. M. Barnum, Geo. Q. Cannon, Jno. T. Caine, A. Carrington, Thos. Fitch, Frank Fuller, Wm. Haydon, E. D. Hoge, Wm. Jennings, Hadley D. Johnson, Aurelius Miner, Reuben Miller, Orson Pratt, A. P. Rockwood, Jno. Sharp, Z. Snow.

# CONSTITUTION.

## ORDINANCE.

We, the people of the Territory of Utah, do ordain as follows, and this ordinance shall be irrevocable without the consent of the United States, and the people of the State of Deseret:

First. That we adopt the Constitution of the United States.

Second. That there shall be in this State neither slavery, nor involuntary servitude otherwise than in the punishment of crimes whereof the party shall have been duly convicted.

Third. That perfect toleration of religion shall be secured, and no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship.

Fourth. That the people inhabiting said Territory do agree and declare, that they forever disclaim all right and title to the unappropriated public lands lying within said Territory, and that the same shall be and remain at the sole and entire disposition of the United States; and that lands belonging to citizens of the United States residing without the said State, shall never be taxed higher than the land belonging to residents thereof, and that no taxes shall be imposed by said State on lands or property therein, belonging to, or which may hereafter be purchased by, the United States.

Fifth. That such terms, if any, as may be prescribed by Congress as a condition of the admission of the said State into the Union, shall, if ratified by a majority vote of the people thereof, at such time and under such regulations as may be prescribed by this Convention, thereupon be embraced within, and constitute a part of, this ordinance.

## PREAMBLE.

We, the people of the State of Deseret, grateful to Almighty God for our freedom, in order to secure its blessings, insure domestic tranquility and form a more perfect government, do establish this

# CONSTITUTION.

## ARTICLE I.—DECLARATION OF RIGHTS.

SECTION 1. In republican governments all men should possess their natural rights, among which are those of enjoying and defending their

lives and liberty, acquiring, possessing and protecting property, and of seeking and obtaining their safety and happiness.

SEC. 2. All political power is inherent in the people, and all free governments are founded in their authority, and instituted for their benefit; therefore they have an inalienable right to institute government, and to alter, reform, or change the same, when their safety, happiness and the public good require it: but the paramount allegiance of every citizen is due to the Federal Government, in the exercise of all its constitutional powers.

SEC. 3. The right of trial by jury shall be secured to all and remain inviolate forever: but a jury trial may be waived by the parties in all civil cases, in the manner to be prescribed by law: and in civil cases, if three-fourths of the jurors agree upon a verdict, it shall stand and have the same force and effect as a verdict by the whole jury: *Provided*, The legislature, by a law passed by a two-thirds vote of all the members elected to each branch thereof, may require a unanimous verdict, notwithstanding this provision.

SEC. 4. The free exercise and enjoyment of religious profession and worship, shall, without discrimination or preference, forever be allowed in this State: and no person shall be rendered incompetent to be a witness or juror on account of opinions on matters of religion: but the liberty of conscience, hereby secured, shall not be so construed as to excuse acts of licentiousness or other crimes: or justify practices inconsistent with the peace or safety of this State.

SEC. 5. The privilege of the writ of *habeas corpus* shall not be suspended, unless, when in cases of rebellion or invasion, the public safety may require its suspension.

SEC. 6. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishments be inflicted: nor shall witnesses be unreasonably detained.

SEC. 7. All persons shall be bailable by sufficient sureties: unless for capital offences, when the proof is evident or the presumption great.

SEC. 8. No person shall be tried for a capital or other infamous crime (except in cases of impeachment, and in cases of the militia when in actual service, and the land and naval forces in time of war, and in cases of petit larceny, under the regulation of the legislature,) except on presentment or indictment of a grand jury: *Provided*, That the legislature may, by a two-thirds vote of all the members elected to each house thereof, abolish the grand jury system, anything in this section to the contrary notwithstanding; and in any trial in any court whatever, the party accused shall be allowed to appear and defend in person, and with counsel, as in civil actions. No person shall be subject to be twice put

in jeopardy for the same offence : nor shall he be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation having been first made or secured, except in cases of war, riot, fire, or great public peril, in which case compensation shall be afterward made.

SEC. 9. Every person may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions, and civil actions for libels, the truth may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libellous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted or exonerated.

SEC. 10. The people shall have the right freely to assemble together to consult for the common good, to instruct their representatives, and to petition for redress of grievances.

SEC. 11. The military shall be subordinate to the civil power, and no standing army shall be maintained by this State in time of peace.

SEC. 12. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in the manner to be prescribed by law.

SEC. 13. Representation shall be apportioned according to population.

SEC. 14. The privilege of the debtor to enjoy the necessary comforts of life shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale for payment of any debts or liabilities hereafter contracted; and there shall be no imprisonment for debt, except in cases of fraud, libel or slander, and no person shall be imprisoned for a militia fine in time of peace.

SEC. 15. No bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, shall ever be passed.

SEC. 16. Foreigners who are, or who may hereafter become, *bona fide* residents of this State, shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property as native-born citizens.

SEC. 17. Neither slavery, nor involuntary servitude unless for the punishment of crimes, shall ever be tolerated in this State.

SEC. 18. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable seizures and searches, shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place or places to be searched, and the person or persons, and thing or things, to be seized.

Sec. 19. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. And no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Sec. 20. The right of citizens to keep and bear arms, for common defense, shall not be questioned.

Sec. 21. No religious test shall ever be required as a qualification for holding any office of honor, trust or profit under this State.

Sec. 22. This enumeration of rights shall not be construed to impair or deny others retained by the people.

#### ARTICLE II.—RIGHT OF SUFFRAGE.

SECTION 1. Every citizen of the United States, male and female, (not laboring under the disabilities named in this constitution,) of the age of twenty-one years and over, who shall have resided in the State six months, and in the county thirty days, next preceding any election, shall be entitled to vote for all officers that now are or hereafter may be elected by the people, and upon all questions submitted to the electors at such election: *Provided*, That no person who has been or may be convicted of treason or felony, in any State or Territory of the United States, unless restored to civil rights, and no idiot or insane person, shall be entitled to the privilege of an elector.

Sec. 2. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of presence or absence while employed in the service of the United States; nor while engaged in the navigation of the waters of the United States or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse or other asylum; nor while confined in any public prison.

Sec. 3. During the day on which any general election shall be held no qualified elector shall be arrested by virtue of any civil process; and no elector shall be obliged to perform military duty on the day of such election, except in time of war or public danger.

Sec. 4. All elections by the people shall be by ballot, and all elections by the legislature, or by either branch thereof, shall be *viva voce*.

Sec. 5. Provision shall be made by law for the registration of the names of the electors within the counties of which they may be residents, and for the ascertainment, by proper proofs, of the persons who shall be entitled to the right of suffrage, as hereby established to preserve the purity of elections, and to regulate the manner of holding and making returns of the same; and the legislature shall have power to prescribe by law any other or further rules or oaths as may be deemed necessary, as a test of electoral qualification.

SEC. 6. All persons qualified by law to vote for representatives to the Legislative Assembly of the Territory of Utah at the date of the submission of this constitution, shall be entitled to vote upon the question of adopting or rejecting the same.

### ARTICLE III.—DISTRIBUTION OF POWERS.

The powers of the government of the State of Deseret shall be divided into three separate departments—the legislative, the executive and the judicial: and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except in the cases herein expressly directed or permitted.

### ARTICLE IV.—LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative authority of this State shall be vested in a legislature, which shall consist of a senate and house of representatives, and the sessions thereof shall be held at the seat of government.

SEC. 2. The sessions of the legislature shall be biennial, and, except at the first session thereof, shall commence on the second Monday in January next ensuing the election of members of the house of representatives, unless the governor shall convene the legislature by proclamation.

SEC. 3. The members of the house of representatives shall, except at the first election, be chosen biennially, by the qualified electors of their respective counties, or districts, on the first Monday in August, and their term of office shall be two years from the day next after their election.

SEC. 4. The senators shall be chosen at the same time and places as the members of the house of representatives, by the qualified electors of their respective counties or districts, and their term of office shall be four years from the day next after their election: *Provided, however,* That the senators elect at the first session of the legislature shall be divided equally into two classes as nearly as may be; and the seats of senators of the first class shall be vacated at the expiration of two years, those of the second class at the expiration of four years, so that one-half as nearly as possible shall be chosen biennially thereafter. And in case of increase in the number of senators they shall be so annexed by lot to one or the other of the two classes as to keep them as equal as practicable.

SEC. 5. The first legislature shall consist of thirteen senators and twenty-six representatives, and shall be apportioned as prescribed by law. The number of senators and representatives may be increased

from time to time: *Provided*. The number of representatives shall never be less than twice that of the senators: *And provided further*. That the senators shall never exceed thirty in number. The apportionment of the members of both houses shall be as prescribed by law.

SEC. 6. No person shall be a senator who shall not have attained the age of twenty-five years, or a representative who shall not have attained the age of twenty-one years. No person shall be a senator or representative who shall not be a citizen of the United States, and who, except at the first election, shall not have been two years a resident of this State, and for one year next preceding his election a resident of the county or district in which he is elected. No person holding any office of profit or trust under authority of the United States, or of this State, shall have a seat in the legislature: *Provided*. That appointments in the State militia and the offices of notary public, justice of the peace, United States commissioner, commissioner of deeds, and postmasters (whose annual compensation does not exceed five hundred dollars,) shall not, within the meaning of this section, be considered offices of profit or trust.

SEC. 7. The members of the legislature shall, before entering upon their official duties, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Deseret, and will faithfully discharge the duties of senator, (or representative,) according to the best of my ability: (if an oath,) so help me God: (if an affirmation,) under the pains and penalties of perjury."

SEC. 8. Each house shall judge of the qualifications, elections, and returns of its own members, and may punish its members for disorderly conduct, and, with the concurrence of two-thirds of all the members elected, expel a member.

SEC. 9. No member of the legislature shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State which shall have been created, or the emoluments of which shall have been increased, during such term, except such office as may be filled by elections by the people.

SEC. 10. Members of the legislature shall be privileged from arrest on civil process during the session thereof, and for fifteen days next before the commencement of each session.

SEC. 11. When a vacancy occurs in either house, the governor shall order an election to fill such vacancy.

SEC. 12. A majority of all the members elected to each house shall constitute a quorum to transact business, but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

SEC. 13. Each house shall keep a journal of its own proceedings, which shall be published; and the yeas and nays of the members of either house on any question shall, at the desire of any five members present, be entered on the journal.

SEC. 14. The door of each house shall be kept open during its session, except the senate while sitting in executive session; and neither shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be holding their session.

SEC. 15. Any bill may originate in either house of the legislature, and all bills passed by one may be amended or rejected by the other.

SEC. 16. Each law enacted by the legislature shall embrace but one subject and matter properly connected therewith, which subject shall be briefly expressed in the title; and no law shall be revised or amended by reference to its title only, but in such case the act as revised or section as amended shall be enacted and published at length.

SEC. 17. A majority of all the members elected to each house shall be necessary to pass every bill or joint resolution, and all bills or joint resolutions so passed shall be signed by the presiding officers of the respective houses.

SEC. 18. No money shall be drawn from the treasury except as appropriated by law.

SEC. 19. In all cases where a general law can be made applicable, the laws shall be general and of uniform operation, and provision shall be made by law for bringing suit against the State.

SEC. 20. The enacting clause of every law shall be as follows: "Be it enacted by the legislature of the State of Deseret;" and no law shall be enacted except by bill.

SEC. 21. The legislature may establish a uniform system of county and township government.

SEC. 22. The first regular session of the legislature may extend to ninety days, but no subsequent regular session shall exceed sixty days, nor shall any session convened by the governor exceed twenty days.

SEC. 23. The members and officers of the legislature shall receive for their services a compensation to be fixed by law, and no increase of such compensation shall take effect during the term for which the members and officers of either house shall have been elected.

SEC. 24. Every bill passed by the legislature shall be presented to the governor. If he approve it, he shall sign it, whereupon it shall become a law; but if not, he shall return it, with his objections, to the house in which it originated, which house shall cause such objections to be entered upon its journal, and proceed to reconsider it. If, after such

reconsideration. it again pass both houses, by a vote of two-thirds of the members elected to each house, it shall become a law, notwithstanding the governor's objections. If any bill shall not be returned within five days after it shall have been presented to him, (Sunday excepted,) exclusive of the day on which he received it, the same shall be a law in like manner as if he had signed it, unless the legislature, by its final adjournment, prevent such return, in which case it shall not become a law unless the governor, within five days after adjournment, shall file such bill, with his approval thereof, in the office of the secretary of State.

SEC. 25. At all elections for representatives each qualified elector may cast as many votes for one candidate as there are representatives to be elected in the county or district, or may distribute the same among any or all of the candidates; and the candidates receiving the highest number of votes shall be declared elected.

#### ARTICLE V.—EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power of the State shall be vested in a governor.

SEC. 2. The governor shall be elected by the qualified electors at the time and places of voting for the members of the legislature, and shall hold his office for the term of two years, and until his successor shall be qualified.

SEC. 3. No person shall be eligible to the office of governor who is not a qualified elector, and who, at the time of such election, has not attained the age of twenty five years, and who, except at the first election under this constitution, shall not have been a citizen resident of this State for two years next preceding the election.

SEC. 4. The returns of every election for governor and other State officers voted for at the general election, shall be sealed up and transmitted to the seat of government, directed to the secretary of State, and on the third Monday of September next succeeding such election the chief justice of the supreme court and the associate justices, or a majority thereof, shall meet at the office of the secretary of State, and open and canvass the election returns for governor and all other State officers, and forthwith declare and publish the result, and notify the officers elect of their election. The persons having the highest number of votes for the respective offices shall be declared elected; but in case two or more have an equal and the highest number of votes for the same office, the legislature shall, by joint vote of both houses, elect one of said persons to said office.

SEC. 5. The governor shall be commander-in-chief of the military forces of this State, and may call out the same to execute the laws, sup-

press insurrection, and repel invasion; and when the governor shall, with the consent of the legislature, be out of the State in time of war, and at the head of any military force thereof, he shall continue commander-in-chief of the military forces of the State.

SEC. 6. He shall transact all executive business with the officers of the Government, civil and military, and may require information in writing from the officers of the executive department upon any subject relating to the duties of their respective offices.

SEC. 7. When any office shall from any cause become vacant, and no mode is prescribed by the constitution or laws for filling such vacancy, the governor shall have power to fill such vacancy by appointment, which shall expire when such vacancy shall be filled by due course of law.

SEC. 8. He shall see that the laws are faithfully executed.

SEC. 9. The governor may, on extraordinary occasions, convene the legislature by proclamation, and shall state to both houses when organized the purpose for which they have been convened.

SEC. 10. He shall communicate by message to the legislature, at every regular session, the condition of the State, and recommend such measures as he may deem expedient.

SEC. 11. In case of a disagreement between the two houses with respect to the time of adjournment, the governor may, on the same being certified to him by the house first moving the adjournment, adjourn the legislature by proclamation to such time as he thinks proper, not beyond the first day of the next regular session.

SEC. 12. The governor shall have power to grant reprieves, commutations and pardons, after conviction, of all offences except impeachment, subject to such regulations as may be provided by law.

SEC. 13. A lieutenant-governor shall be elected at the same time and places and in the same manner as the governor, and his term of office and his eligibility shall also be the same. He shall be the president of the senate, but shall only have a casting vote therein. In case of impeachment of the governor, or his removal from office, death, inability to discharge the duties of said office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the lieutenant-governor for the residue of the term, or until the disability shall cease; and in case of the disability of both the governor and lieutenant-governor, the powers and duties of the executive shall devolve upon the secretary of State, until such disability shall cease, or the vacancy be filled.

SEC. 14. A secretary of State, a treasurer, an auditor of public accounts, a surveyor-general, a superintendent of public instruction, and

an attorney-general, shall be elected at the same time and places, and in the same manner as the governor: the term of office of each shall be the same as is prescribed for the governor. Any elector shall be eligible to any of said offices, except the secretary of State, whose qualifications shall be the same as those of the governor.

SEC. 15. There shall be a seal of the State, which shall be called the "Great Seal of the State of Deseret," which shall be kept by the secretary of State.

SEC. 16. All grants and commissions shall be in the name and by the authority of the State of Deseret, and shall be signed by the governor, and countersigned by the secretary of State, who shall affix the great seal of the State thereto.

SEC. 17. The secretary of State shall be the custodian of the official acts of the legislature, and shall keep a true record of the proceedings of the executive department of the government, and shall, when required, lay the same and all other matters relative thereto before either branch of the legislature.

SEC. 18. The governor, secretary of State, and the attorney-general shall constitute a board of State prison commissioners, which board shall have such supervision of all matters connected with the State prison as may be provided by law. They shall also constitute a board of examiners, with power to examine all claims against the State, (except salaries or compensation of officers fixed by law,) and perform such other duties as may be prescribed by law.

SEC. 19. The secretary of State, State treasurer, auditor of public accounts, surveyor-general, superintendent of public instruction, and attorney-general shall perform such other duties as may be prescribed by law.

#### ARTICLE VI.—JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this State shall be vested in a supreme court, circuit courts, probate courts, municipal courts of incorporated cities, and in justices of the peace.

SEC. 2. At the first general election, there shall be elected, by the qualified electors of this State, four circuit judges, who shall continue in office two, four, six, and eight years respectively, from and including the first Monday in January next succeeding their elections, and until their successors are elected and qualified. They shall meet as soon as practicable after their election and qualification, and at their first meeting shall determine by lot the term of office each shall fill, and the circuit in which each shall travel; and thereafter when vacancies occur the same shall be filled at the general election: *Provided*, That the legislature may provide by law that the judges shall alternate in the various circuits.

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SEC. 3. The circuit judges shall, until otherwise provided by law, constitute the supreme court. When a case is appealed from the decision of a circuit court, the judge thereof shall not sit for the hearing of that case as a justice of the supreme court; but said case shall be heard and determined by the other three, and the concurrence of two of them shall be necessary to render a decision; the legislature at any time shall have power to increase the number of circuits in this State, and provide for the election of judges to fill them, and also to reorganize the supreme court and provide for the election and tenure of office of the justices thereof, who shall not be required to perform the duties of circuit judges.

SEC. 4. The supreme court, whenever it shall be organized, as provided for in section three, shall consist of a chief justice and two associate justices, a majority of whom shall constitute a quorum. The legislature, by a majority of all the members elected to each branch thereof, may provide for the election of two additional associate justices, and if so increased, three shall constitute a quorum. The concurrence of a majority of the whole court shall be necessary to render a decision.

SEC. 5. For the purpose of organizing the supreme court, as contemplated in section three, the circuit judges shall meet, as soon as practicable after their election and qualification, and at their first meeting shall determine, by lot, the term of office each shall fill, and the justice drawing the shortest term shall be chief justice, and after the expiration of his term, the one having the next shortest term shall be chief justice, after which the senior justice in commission shall be chief justice. And in case the commission of any two or more of said justices shall bear the same date, they shall determine by lot who shall be chief justice.

SEC. 6. The State shall be divided into four judicial circuits; the first to be composed of the counties of Washington, Kane, Iron, Beaver, Piute, Sevier, Millard, and Sanpete; the second, of the counties of Juab, Utah, Tooele, Wasatch, and Summit; the third, of the counties of Salt Lake, Davis, and Weber; the fourth, of the counties of Box Elder, Cache, Rich, and Morgan; and the legislature may provide by law for an alteration of the boundaries of the judicial circuits, as herein prescribed, and for the election of the judges therein by the qualified electors of the respective circuits.

SEC. 7. The supreme court shall have appellate jurisdiction in all cases of *quo warranto*, mandamus, prohibition, *certiorari*, and *habeas corpus*, and in all civil cases, both in law and equity, where the amount in controversy exceeds three hundred dollars; and in all criminal cases where the fine exceeds fifty dollars or the imprisonment is sixty days or upwards; and in all cases in which is involved the title or right of posses-

sion to, or the possession of real estate or mining claims, or the legality of any tax, impost, assessment, toll, or municipal fine. The court shall also have power to issue all writs necessary or proper to the complete exercise of its appellate jurisdiction; and each of the justices shall have power to issue writs of *habeas corpus* to any part of the State upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the supreme court.

SEC. 8. There shall be a probate judge elected by the qualified electors of each county at the general election, whose term of office shall be four years, and until his successor is elected and qualified.

SEC. 9. The legislature shall determine the number of justices of the peace to be elected in each precinct of the State, and fix by law their term of office, their duties and responsibilities.

SEC. 10. The jurisdiction, both original and appellate, of the circuit and all inferior courts, shall be as prescribed by law.

SEC. 11. The judges of the supreme and circuit courts shall be ineligible to any office, other than a judicial office, during the term for which they shall have been elected.

SEC. 12. No person shall be eligible to the office of supreme or circuit judge who is not a citizen of the United States, and has not attained to the age of twenty-five years, and who, except at the first election, has not been a resident of this State at least two years next preceding his election.

SEC. 13. The judges of the supreme and circuit courts shall each receive quarterly for their services a compensation, to be fixed by law, which shall not be increased or diminished during the term for which they shall have been elected.

SEC. 14. There shall be one or more terms of the circuit court held annually at the county seat in each county, at such times as shall be provided by law, and there shall be not less than two terms of the supreme court held annually, which terms shall be held at the seat of government.

SEC. 15. The style of all process shall be "The State of Deseret," and all prosecutions shall be conducted in the name and by the authority of the same.

#### ARTICLE VII.—ON IMPEACHMENT AND REMOVAL FROM OFFICE.

SECTION 1. The house of representatives shall have the sole power of impeachment, and a majority of all the members elected must concur therein. All impeachments shall be tried by the senate, and when sitting as a court of impeachment, the senators shall be upon oath or affirmation to do justice according to law and evidence. When the governor or

lieutenant-governor is tried, the chief justice of the supreme court shall preside.

SEC. 2. No person shall be convicted without the concurrence of two-thirds of all the senators elected. But judgment in such cases shall not extend further than removal from office, and disqualification to hold any office of honor, trust, or profit under the government of this State.

SEC. 3. When an impeachment is directed, the house of representatives shall elect from their own body three members, whose duty it shall be to prosecute such impeachment. No impeachment shall be tried until the final adjournment of the legislature, when the senate shall proceed to try the same.

SEC. 4. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment, and punishment according to law.

SEC. 5. In all impeachment trials the accused shall have the right to appear and defend in person and by counsel, to demand the nature and cause of the accusation, and to have a copy thereof: to meet the witnesses face to face, and to have process to compel the attendance of witnesses in his behalf.

SEC. 6. All civil officers shall be liable to impeachment for corrupt conduct in office, or for crimes or misdemeanors.

SEC. 7. No judicial officer shall exercise his office after an impeachment is directed, until he is acquitted.

SEC. 8. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of such officer until he shall be acquitted, or until the election and qualification of a successor.

SEC. 9. The legislature shall provide by law for the removal of any officer elected by a county, township, mining or school district, in such manner and for such cause as to them shall be deemed just and proper.

#### ARTICLE VIII.—MUNICIPAL AND OTHER CORPORATIONS.

SECTION 1. The legislature shall pass no special act in any manner relating to corporate powers, except for municipal purposes.

SEC. 2. The legislature shall provide for the organization of cities and towns, and other corporations, by general laws, and restrict their powers of taxation, assessment, borrowing money, contracting debts, and loaning their credit, except for procuring supplies of water, and assisting in the construction of railroads.

SEC. 3. All real property, and possessory rights to the same, as well as personal property in this State, belonging to corporations now existing, or hereafter created, shall be subject to taxation the same as property of individuals: *Provided*, That the property of corporations formed for

municipal, charitable, religious, or educational purposes, may be exempted by law.

SEC. 4. Dues from corporations shall be secured by such means as may be prescribed by law: *Provided*, That corporators in corporations formed under the laws of this State shall not be individually liable for the debts or liabilities of such corporations unless by their articles of incorporation they may so elect.

SEC. 5. This State shall not donate or loan money, or its credit, subscribe to, or be interested in, the stock of any company, association, or corporation, except corporations formed for educational, charitable, irrigation, or railroad purposes within this State.

#### ARTICLE IX.—FINANCE AND STATE DEBT.

SECTION 1. The fiscal year shall commence January first.

SEC. 2. The legislature shall provide by law for an annual tax sufficient to defray the estimated expenses of the State for each fiscal year; and whenever the expenses of any year shall exceed the income, the legislature shall provide for levying a tax sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of such ensuing year or two years.

SEC. 3. The State shall never assume or guarantee the debts of any county, town, city, or other corporation whatever, unless such debts may have been created to repel invasion, suppress insurrection, or to provide for the public defence.

#### ARTICLE X.—TAXATION.

The legislature shall by law provide for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal, and possessory, except mines and mining claims, the proceeds of which shall be taxed, as regulated by law, and also excepting such property as may be exempted by law for municipal, educational, literary, scientific, religious, or charitable purposes.

#### ARTICLE XI.—EDUCATION.

SECTION 1. The legislature shall protect and encourage education.

SEC. 2. All legislation in regard to education shall be impartial, guaranteeing to males and females, to citizens and foreigners, and to persons of all races, colors, and religions, equal rights and privileges.

#### ARTICLE XII.—MILITIA.

SECTION 1. The militia of the State shall be composed of all able-bodied male citizens between the ages of eighteen and forty-five years,

except such as are, or may hereafter be, exempt by the laws of the United States, or of this State, and shall be organized, armed, equipped, and trained as the legislature may provide by law.

SEC. 2. All commissioned officers of the militia, (staff officers excepted,) shall be elected by persons liable to military duty, in such manner as the legislature may provide, and shall be commissioned by the governor.

#### ARTICLE XIII.—PUBLIC INSTITUTIONS.

SECTION 1. Institutions for the benefit of the insane, blind, deaf and dumb, and such other benevolent institutions as the public good may require, shall be fostered and supported by the State, subject to such regulations as may be prescribed by law.

SEC. 2. A State prison shall be established and maintained in such manner as may be prescribed by law, and provisions may be made by law for the establishment and maintenance of a house of refuge for juvenile offenders.

SEC. 3. The respective counties of the State shall provide, as may be prescribed by law, for those inhabitants who, by reason of age and infirmity, or misfortunes, may have claim upon the sympathy and aid of society.

#### ARTICLE XIV.—BOUNDARY.

The boundary of the State of Deseret shall be as follows: Commencing at a point formed by the intersection of the 32d degree of longitude west from Washington with the 37th degree of north latitude; thence due west along said 37th degree of north latitude to the intersection of the same with the 37th degree of longitude west from Washington; thence due north along said 37th degree of west longitude to the intersection of the same with the 42d degree of north latitude; thence due east along said 42d degree of north latitude to the intersection of the same with the 34th degree of longitude west from Washington; thence due south along said 34th degree of west longitude to the intersection of the same with the 41st degree of north latitude; thence due east along said 41st degree of north latitude to the intersection of the same with the 32d degree of longitude west from Washington; thence due south along said 32d degree of west longitude to the place of beginning. And whenever Congress shall authorize the addition to the Territory of Utah, or State of Deseret, of any portion of the Territory on the northerly or southerly borders of the foregoing defined limits, the same shall thereupon be embraced within and become a part of this State.

## ARTICLE XV.—MISCELLANEOUS PROVISIONS.

SECTION 1. The seat of government shall be at Salt Lake City, or such place as the legislature may determine.

SEC. 2. No person shall be eligible to any office who is not a qualified elector.

SEC. 3. The general election shall be held on the first Monday in August of each year, unless otherwise provided for by law.

SEC. 4. The legislature shall provide for the speedy publication of all laws of a general nature.

SEC. 5. The compensation of all State officers shall be as prescribed by law: *Provided*, No change of salary or compensation shall apply to any officer during the term for which he may have been elected.

SEC. 6. All executive officers of the State shall keep their respective offices at the seat of government.

SEC. 7. A plurality of votes given at any election by the people shall constitute a choice, where not otherwise provided by this constitution.

SEC. 8. No person holding any office of honor or profit under the Government of the United States shall hold office under the government of this State, except postmasters whose annual compensation does not exceed five hundred dollars, and except as otherwise provided in this constitution.

## ARTICLE XVI.—AMENDMENTS.

SECTION 1. Any amendment or amendments to this constitution, if agreed to by a majority of all the members elected to each of the two houses of the legislature, shall be entered on their respective journals, with the yeas and nays taken thereon, and referred to the legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice. And if, in the legislature next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the legislature shall prescribe: and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the legislature voting thereon, such amendment or amendments shall become a part of the constitution.

SEC. 2. If at any time the legislature, by a vote of two-thirds of the members elected to each house, shall determine that it is necessary to cause a revision of this entire constitution, they shall recommend to the electors, at the next election for members of the legislature, to vote for or against a convention; and if it shall appear that a majority of the

electors voting at such election shall have voted in favor of calling a convention, the legislature shall, at its next session, provide by law for calling a convention, to be holden within six months after the passage of such a law; and such convention shall consist of a number of members not less than that of the two branches of the legislature.

#### ARTICLE XVII.—SCHEDULE.

SECTION 1. That no inconvenience may arise by reason of a change from a territorial to a State government, it is declared that all rights, actions, prosecutions, judgments, claims, and contracts, as well of individuals as of bodies corporate, including counties, towns, and cities, shall continue as if no change had taken place; and all process which may issue under the authority of the Territory of Utah previous to its admission into the Union shall be as valid as if issued in the name of the State of Deseret.

SEC. 2. All laws of the Territory of Utah, in force at the time of the admission of this State, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or be altered or repealed by the legislature.

SEC. 3. All fines, penalties, and forfeitures accruing to the Territory of Utah, or to the people of the United States in the Territory of Utah, shall enure to the State of Deseret.

SEC. 4. All recognizances heretofore taken, or which may be taken before the change from a territorial to a State Government, shall remain valid, and shall pass to and be prosecuted in the name of the State; and all bonds executed to the governor of the Territory, or to any other officer or court in his or their official capacity, or to the people of the United States in the Territory of Utah, shall pass to the governor or other officer or court, and his or their successors in office, for the uses therein respectively expressed, and may be sued on and reeovered had accordingly; and all revenue, property, real, personal, or mixed, and all judgments, bonds, specialties, choses in action, claims, and debts, of whatsoever description, and all records and public archives of the Territory of Utah, shall issue and vest in the State of Deseret, and may be sued for and recovered in the same manner and to the same extent by the State of Deseret as the same could have been by the Territory of Utah. All criminal prosecutions and penal actions which may have arisen, or which may arise before the change from a Territorial to a State government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the State. All offences committed against the laws of the Territory of Utah before the change from a territorial to a State government, and which shall not be prosecuted before such change,

may be prosecuted in the name and by the authority of the State of Deseret, with like effect as though such change had not taken place: and all penalties incurred shall remain the same as if this constitution had not been adopted. All actions at law and suits in equity, and other legal proceedings which may be pending in any of the courts of the Territory of Utah at the time of the change from a Territorial to a State government, may be continued and transferred to and determined by any court of the State which shall have jurisdiction of the subject matter thereof: and all books, papers, and records relating to the same shall be transferred in like manner to such court.

SEC. 5. For the purpose of taking the vote of the electors of this Territory, for the ratification or rejection of this constitution, and for the election of members of the legislature and a representative in Congress, an election shall be held in the several counties of the Territory on the third Monday in March, A. D. 1872, and the election shall be conducted and the returns thereof made as nearly as practicable in conformity with the existing laws of the Territory in relation to the holding of the general election, except that in voting for members of the House of Representatives the electors may cast their ballot in accordance with section twenty-five of article four of the constitution.

SEC. 6. Each elector shall express his opinion by depositing in the ballot-box a ticket, whereon shall be written or printed, "Constitution, yes," or "Constitution, no," or such words as will distinctly convey the intention of the voter.

SEC. 7. The county clerks of their respective counties shall issue to the members of the State legislature certificates of their election, and said clerks shall forthwith make duplicate returns of the votes cast for and against the constitution, and the votes cast for Representative in Congress, and transmit the same by the most safe and expeditious conveyance to R. L. Campbell, the secretary of this convention, enclosed in an envelope, marked "election returns."

SEC. 8. Upon receipt of said returns, or within fourteen days after the election, if the returns be not sooner received, it shall be the duty of a board of canvassers, to consist of the president and secretary of this convention and the probate judge of Salt Lake county, or any two of the persons herein named, to canvass the returns of said election in presence of all who may choose to attend, and immediately publish an abstract of the same in one or more of the newspapers of the Territory of Utah, and forward a copy of said abstract, duly certified by them, to the President of the United States, President of the Senate, Speaker of the House of Representatives, and the Delegate in Congress from Utah Territory, and said board shall, after the adoption of this constitution

and canvass of said votes, issue a certificate of election to the person receiving thereat the highest number of votes for Representative in Congress.

SEC. 9. Until otherwise provided by law, the apportionment of senators and representatives in the different counties shall be as follows: Salt Lake, Tooele, and Summit counties, four senators; Salt Lake county, six representatives; Tooele county, one representative; Summit county, one representative; Davis and Morgan counties, one senator and two representatives; Box Elder and Weber counties, one senator; Box Elder county, one representative; Weber county, two representatives; Cache and Rich counties one senator, and two representatives; Utah and Wasatch counties, two senators; Utah county, three representatives; Wasatch county, one representative; Juab and Millard counties, one senator; Juab county, one representative; Millard county, one representative; Beaver and Iron counties, one senator; Beaver county, one representative; Iron county, one representative; Kane and Washington counties, one senator and one representative; Sanpete and Sevier counties, one senator and two representatives.

SEC. 10. If this constitution be ratified by the people, the president of this convention, or, in case of his inability, the secretary of this convention, shall convene the legislature at the city hall, in Salt Lake City, on the first Thursday of April, A. D. 1872, for the purpose of electing United States senators.

SEC. 11. A copy of this constitution, certified to be correct by the president and secretary of this convention, shall be published by them in one or more of the newspapers of this Territory as soon as practicable after the final adjournment of this convention. Such president and secretary shall forward a copy of this constitution, duly certified, to the President of the United States, President of the Senate, Speaker of the House of Representatives, and the delegates in Congress from this Territory, and shall deliver or forward a copy, certified as aforesaid, to each of the delegates elected by this convention, in accordance with section twenty-four of this article.

SEC. 12. For the purpose of taking the vote of the electors of this Territory, for the acceptance or rejection of such terms, if any, as may be prescribed by Congress as a condition of the admission of said State into the Union, and for the election of all State officers and judges of the circuit courts, an election shall be held in the several counties of the Territory on the third Monday of the month succeeding that in which such act of Congress aforesaid prescribing such terms, shall have become a law; and the election shall be conducted and the returns thereof made, as nearly as practicable, in conformity with the existing laws of the Territory in relation to the holding of the general election.

SEC. 13. Each elector shall express his opinion by depositing in the ballot-box a ticket whereon shall be written or printed, "Constitution as amended—Yes," or "Constitution as amended—No." or such words as will distinctly convey the intention of the voter.

SEC. 14. The county clerks of their respective counties shall forthwith make duplicate returns of the votes cast for and against the constitution as amended, and the votes cast for all State officers and circuit judges, and transmit the same by the most safe and expeditious conveyance to R. L. Campbell, the secretary of this convention, enclosed in an envelope marked "Election Returns."

SEC. 15. Upon receipt of said returns or within thirty days after the election, if the returns be not sooner received, it shall be the duty of a board of canvassers, to consist of the president and secretary of this convention, the president of the State senate, the speaker of the house of representatives, and the probate judge of Salt Lake county, or any three of the persons herein named, to canvass the returns of said election in presence of all who may choose to attend, and immediately publish an abstract of the same in one or more of the newspapers in the Territory of Utah: and said board shall, if said constitution as amended has received a majority vote of the electors voting upon the question of the acceptance or rejection of the same, thereupon make public announcement of the fact, and transmit a certificate thereof by the most safe and most expeditious conveyance to the President of the United States, President of the Senate, and Speaker of the House of Representatives, at Washington, D. C., and also issue certificates of election to such persons as were elected at said election, and thenceforth this constitution shall be ordained and established as the constitution of the State of Deseret.

SEC. 16. The term of State officers, except judicial, elected at the first election, shall continue until the Tuesday after the first Monday of January, A. D. eighteen hundred and seventy-five, and until the election and qualification of their successors.

SEC. 17. The State senators to be elected at the first election under this constitution shall draw lots, so that the term of one-half of the number, as nearly as may be, shall expire on the day succeeding the general election in A. D. eighteen hundred and seventy-four, and the term of the other half shall expire on the day succeeding the general election in A. D. eighteen hundred and seventy-six: *Provided*, That in drawing lots for all senatorial terms, the senatorial representation shall be allotted so that in the counties having two or more senators the terms thereof shall be divided as equally as may be between the long and short terms.

SEC. 18. The term of members of the house of representatives elected at the first election shall expire on the day succeeding the general election in A. D. eighteen hundred and seventy-four.

SEC. 19. The first regular session of the legislature shall commence on the third Monday of the month succeeding that in which said State shall be, by act of Congress, or by proclamation of the President of the United States, made in pursuance of an act of Congress, admitted into the Union.

SEC. 20. The State officers and circuit judges elected at the first election shall be sworn in and assume the duties of their respective offices on the third Monday of the month succeeding that in which said State shall by act of Congress, or by proclamation of the President of the United States, made in pursuance of an act of Congress, be admitted into the Union.

SEC. 21. The governor, secretary, district judges, and other officers of the Territory of Utah may continue to discharge the duties of their respective offices after the admission of this State into the Union, and until the time designated for the qualification of the officers to be elected under the State government: *Provided*, That the said officers shall be subject to the restrictions and conditions provided in this constitution, and none of them shall receive to his own use any fees or perquisites for the performance of any duty connected with his office.

SEC. 22. All county, precinct, city, and district officers under the laws of the Territory of Utah, at the time this constitution shall take effect, and whose offices are not inconsistent with the provisions of this constitution, shall continue in office until their successors are elected and qualified. The time of such election and qualification shall be as prescribed by law.

SEC. 23. After the admission of this State into the Union, and until the legislature shall otherwise provide, the several judges shall hold courts in their respective circuits at such times and places as they may respectively appoint; and until provision shall be made by law for holding the terms of the supreme court, the governor shall fix the time and place of holding such court.

SEC. 24. George Q. Cannon, Thomas Fitch, and Frank Fuller are hereby elected delegates from this convention, to proceed to Washington, D. C., and with the delegate in Congress from Utah Territory, the Hon. W. H. Hooper, are requested to present this constitution to the President of the United States, the Senate of the United States, and the United States House of Representatives, and urge the passage of an act of Congress admitting the State of Deseret into the Union.

Done in convention, at Salt Lake City, the second day of March, in the year of our Lord one thousand eight hundred and seventy-two, and of the independence of the United States the ninety-sixth, and signed by the delegates.

E. M. BARNUM,

*President of the Convention and Delegate from Salt Lake County.*

R. L. CAMPBELL,  
*Secretary.*